

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RIGHTHAVEN LLC,)
vs.) Plaintiff,) Case No. 2:10-cv-01343-RLH-PAL
THOMAS A. DIBIASE,) Defendant.) **ORDER**

Before the court is the parties' Stipulated Protective Order (Dkt. #41). The court has reviewed and approved the parties' proposed order with the exception of paragraph nine on page five which proposes that any party who wishes to file confidential records as an exhibit to a brief or pleading shall file it under seal in an envelope bearing the caption of the case, and a brief, non-disclosing inventory of the items contained in the envelope, and a notation that the document is filed under seal pursuant to Protective Order. It also contains a provision indicating the order constitutes authorization by the court to file any such record, brief or pleading under seal.

When the court adopted the case management, electronic case filing system (“CM/ECF”), the electronic record became the only official record of the court. With limited exceptions which do not apply to this case, paper files are no longer maintained by the Clerk’s Office. See Special Order #109. Submitting paper files to the Clerk of the Court will not preserve the record.

Accordingly, the parties are directed to comply with the court's CM/ECF filing procedures regarding filing sealed materials. A motion or exhibit may be filed under seal with a contemporaneous motion to file under seal. Additionally, the parties are reminded that, in the Ninth Circuit, there is a presumption of public access to judicial files and records, and any materials submitted under seal

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1 should comply with the Ninth Circuit's direction in *Kamakana v. City and County of Honolulu*, 447
2 F.3d 1172 (9th Cir. 2006).

3 **IT IS ORDERED:**

4 1. Paragraph nine on page five of the parties' proposed Order (Dkt #41) is **NOT**
5 **APPROVED and is DENIED.**

6 2. The parties shall comply with Special Order 109 and the *Kamakana*
7 decision with respect to any papers or files proposed to be sealed from the public
8 record.

9 Dated this 30th day of March, 2011.

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12 Peggy A. Leen
13 United States Magistrate Judge
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